



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,519	03/27/2000	TSUYOSHI KOMAKI	P107424-0000	7915

23353 7590 11/28/2001

RADER FISHMAN & GRAUER PLLC  
LION BUILDING  
1233 20TH STREET N.W., SUITE 501  
WASHINGTON, DC 20036



EXAMINER

MCCLENDON, SANZA L

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 11/28/2001

2nd Action Final  
FEB 28, 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
JAN 30 2002  
TC 1700

**Office Action Summary**JAN 28 2002  
PATENT & TRADEMARK OFFICE

Application No.

09/508,519

Applicant(s)

KOMAKI, TSUYOSHI

Examiner

Sanza L McLendon

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 29 August 2001.
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 8-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 8-14 is/are allowed.
- 6)  Claim(s) 15-21 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a)  All b)  Some \* c)  None of:  
   1.  Certified copies of the priority documents have been received.  
   2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
   3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| <input type="checkbox"/> Notice of References Cited (PTO-892)                              | <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | <input type="checkbox"/> Other: _____                                     |



DETAILED ACTION

*Response to Amendment*

RECEIVED  
JAN 30 2002  
TC 1700

1. In response to the Amendment received on August 29, 2001, the examiner has carefully considered the amendments. The examiner acknowledges the cancellation of claims 1-7.

*Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al (5,573,831).

The text section of the rejection can be found in a prior office action.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (5,573,831).

Suzuki et al is described in the above rejection. Suzuki et al does not expressly disclose "animal protein" as the organic filler. However, Suzuki et al teaches the use of just protein as

an organic filler, wherein it is taught that the protein is composed of natural materials—column 7, lines 36-38. The examiner contends natural material can be broken-down into two categories—plant and animal. Therefore, it would have been obvious for one of ordinary skill in the art to select an animal protein as the organic filler in the compositions as taught by Suzuki. The motivation would have been to obtain compositions with superior water resistance or oil resistance with the expectation of adequate success in the absence of evidence to the contrary.

#### *Response to Arguments*

6. Applicant's arguments filed August 29, 2001 have been fully considered the arguments with regards to claims 8-14 are persuasive, however the arguments with respect to claims 15-21 are not persuasive. With regards to claims 15-21, applicant appears to be relying on the limitation of "animal protein" to distinguish over the art made of record. Suzuki et al teaches the use of protein as the organic filler, wherein it is taught the protein or cellulose fillers are composed of natural materials—see column 7, lines. The examiner contends that Suzuki et al anticipates animal protein because natural (organic) proteins can come from mainly two sources plant and animal, thus envisioned by the reference.

#### *Allowable Subject Matter*

7. Claims 8-14 are allowed.

8. The following is an examiner's statement of reasons for allowance: the prior art fails to teach a composition for coating that consist essentially of a radiation curable compound containing a mono-functional (meth) acrylic monomer and a multifunctional (more than bi-functional) acrylic monomer; and a

water absorbing organic filler and a water-absorbing inorganic filler as components.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (703) 305-0505. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are

(703) 872-9645 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0657.

Sanza L McClendon

Examiner

Art Unit 1711

SMc

November 19, 2001

DA 2001.1.000000  
Supervisory  
Technician - 1711

001